

Appl. No. : **09/231,415**
Filed : **January 14, 1999**

REMARKS

Claims 26, 100, 102, 104-112, 114, 133, 134, and 142-144 are pending in this application. The Applicants have canceled Claims 1-25, 27-99, 101, 103, 113, 115-132, and 135-141 without prejudice or disclaimer. The Applicants reserve the right to prosecute the canceled claims in one or more continuation or divisional applications.

The Applicants traverse the Examiner's rejections as follows.

35 U.S.C. § 112

The Examiner rejected Claims 26 and 113 as allegedly being indefinite. The Examiner rejected dependent Claims 100-114, 133, 134, and 142-144 as allegedly depending from an indefinite claim. The Applicants do not necessarily agree with the rejection. However, the Applicants have amended Claim 26 and canceled Claim 113. The Applicants submit that all pending claims meet the definiteness requirement. The Applicants request that the Examiner withdraw the indefiniteness rejections.

35 U.S.C. § 103

The Examiner rejected all pending claims as allegedly being obvious in view of U.S. Patent No. 7,236,983 to Nabors *et al.* in combination with other cited art. The Applicants do not necessarily agree that the cited art is prior art to the pending application, and nothing herein is, or can reasonably interpreted to be, an admission that the cited art is prior art to the pending application. For example, the Applicants note that the present application was filed before the filing date of the Nabors patent. Accordingly, the Nabors patent cannot be prior art to the present application except with respect to subject matter that was disclosed in the parent application of the Nabors patent. The Applicants reserve the right to argue, during prosecution or litigation, that some or all of the art cited by the Examiner is not prior art to the present application.

The Applicants do not agree with the Examiner that the previously presented claims would have been obvious in view of the Nabors patent in combination with the other cited art. However, in order to expedite prosecution, the Applicants have amended Claim 26 to recite additional limitations that are not believed, in combination with the other limitations of Claim 26, to be anticipated or rendered obvious by the Nabors patent in combination with the other cited art. Specifically, the Applicants do not believe that the Nabors patent, by itself or in combination with other cited art, teaches or fairly discloses every one of the following limitations of Claim 26:

- a plurality of purchase request records stored in a computer system remotely accessible via a network and created from data received from potential buyers, said data including buyer contact information and product information;
- a plurality of participating seller records comprising information about a plurality of participating sellers, said purchase request records and seller records stored on computer-readable medium;
- a buyer-seller association software module stored on computer-readable medium and configured to assign each of said purchase request records to only a subset of the participating sellers in accordance with purchase request criteria, said purchase request criteria for each of said participating sellers predetermined in accordance with a relationship between a lead distributor and each of said plurality of participating sellers;
- a seller remote access software module executed on said computer system, stored on computer-readable medium, comprising computer-executable instructions that define operations for viewing and managing said purchase request records, and configured to provide each of said participating sellers with access to said computer system such that each seller can access only the subset of purchase request records which have been assigned to said seller by said buyer-seller association software module and can invoke the operations for viewing and managing said subset of purchase request records, wherein the operations for viewing and managing said purchase request records comprise:
 - viewing status of purchase requests;
 - modifying status of purchase requests;
 - associating tasks with purchase requests; and
 - assigning tasks associated with purchase requests to individual users associated with a seller;

and

- a processor in communication with said buyer-seller association software module and said seller remote access software module and configured to execute said buyer-seller association software module and said seller remote access software module.

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Accordingly, the Applicants believe that Claim 26 is allowable over the art of record. Further, the Applicants believe that the dependent claims are allowable over the art of record at least because they incorporate all of the limitations of allowable Claim 26. Moreover, the Applicants believe that the dependent claims are allowable over the art of record because the art of record does not, individually or in combination, teach or fairly suggest every limitation of Claim 26 combined with the added limitations of the dependent claims.

The Applicants respectfully request the Examiner to withdraw the obviousness rejections.

No Disclaimers or Disavowals

Although the present communication amends the claims and may include characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any amendments or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Rescission of Any Prior Disclaimers and Request to Revisit Cited Art

The claims of the present application are different and possibly broader in scope than claims previously presented in this application or any pending claims in any related application or issued claims in any related patent. Many of the pending claims omit at least one limitation included in a previously-presented claim. The Applicants omitted these limitations from the claims of the present application in order to obtain claims with different and possibly broader scope. The pending claims do not include, and should not be construed to include, any omitted limitation. In view of the different scope of the pending claims, the Applicants request that the Examiner review the art of record in this application and any related applications and patents, in addition to any newly discovered art, to determine whether the pending claims are allowable.

Moreover, with respect to amendments or arguments concerning previously-presented claims, to the extent that any amendments or characterizations of the scope of any claim or

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referenced art could be construed as a disclaimer of any subject matter supported by the present disclosure, the Applicants hereby rescind and retract such disclaimer. While the Applicants believe that no such disclaimer exists, if the Examiner disagrees, the Examiner may need to re-visit the listed or referenced art.

Conclusion

The Applicants believe that the pending claims are allowable and respectfully request that the Examiner allow all pending claims. If any issues remain that may be resolved by telephone, Applicants invite the Examiner to contact Applicants' attorney at (949) 721-2897.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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AMEND

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